

REMARKS

The Office action dated September 2, 2009, is acknowledged. Claims 1, 3, 5-7, 9-13 and 14-20 are pending in the instant application. According to the Office action, each of these claims has been rejected. Claims 1, 3, 5-7, 9-13 have been canceled. Claims 14-20 have been amended as set forth above. Reconsideration is respectfully requested in light of the following remarks.

Rejection of Claims 1, 3, 5-7, 9-13 and 14-20 under 35 U.S.C. 112

Claims 1, 3, 5-7, 19-13 and 14-20 have been to be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that there does not appear to be any support in the specification for multiple strip layers being formed from folding of a single sheet. The Examiner argued that the limitation of "no folds" to exclude Heikaus et al. as a reference appears to be new matter. The Examiner further stated that if support does exist for this limitation, the rejection using Heikaus et al., as detailed below, would be overcome.

The Examiner also argued on page 3 of the Office action that the limitation of the "width of the holes remains constant when stretched because of the adjacent strips being in contact with the hold edges" appears to be new matter. The Examiner noted that Applicant relies on Fig. 4 to show the stretched version of the stretch film shown in Fig. 1. The Examiner pointed out that the specification does not state if these drawings are to scale. The Examiner also mentioned that even if the drawings were to scale, it appears that the ratio of the width of the attached strips to the width of the areas with holes

changes when the strip of Fig. 1 is stretched into the strip of Fig. 4. The Examiner further argued that it is unclear if the width of the strips contracts, or if the width of the holes expand, or if both of them change to some absolute degree. The Examiner concluded that there is no clear support in the specification for the width of the holes staying constant in Figs. 1 or 4. The Examiner stated that the prior art rejections against claims 1, 3, 5-7 and 9-13 (as mentioned below) are maintained in the interest of judicial economy in the event of an appeal, but would be overcome if the claim language regarding constant width in the claims is found to be supported by the original specification.

The Examiner indicated in the Interview Summary dated September 14, 2009, that claims 14-20 can be amended to remove the "no folds" language as follows: "wherein the strips are generally even, but at least without wrinkles ~~and folds~~." The Examiner further stated that the deletion of the alleged new matter limitation of the "constant width of the holes when stretched" in claim 14 would not require a Request for Continued Examination to be filed. The Examiner indicated that claims 14-20 would be allowable if the above amendments were made and claims 1, 3, 5-7, 19-13 were canceled.

Applicant has amended the claims herewith according to the Examiner's comments and respectfully submits that claims 14-20 are in condition for allowance and requests the removal of the remaining objections and rejections.

Rejection of Claims 1, 3, 5-7 and 9-13 under 35 U.S.C. 103(a)

Claims 1, 3, 5-7 and 9-13 have been rejected as being obvious under 35 U.S.C.

103(a) as being unpatentable over Tiozzo (EP 0909721 A1) in view of Paulett (U.S. 5,935,681) further in view of Calligarich (U.S. 4,758,297). Claims 1, 3, 5-7 and 9-13 have been rejected under 35 U.S.C. 103(a) as being obvious over Heikaus et al. (WO 01/60709, US 2005/0123721) in view of Paulett (U.S. 4,758,297) and further in view of Calligarich (U.S. 4,758,297).


The Applicant has canceled claims 1, 3, 5-7 and 9-13 as noted above. The Applicant respectfully requests the withdrawal of this rejection.

Conclusion

For the foregoing reasons, it is believed that the present application, with the claims in their amended form, is in condition for allowance, and such action is earnestly solicited. The Examiner is invited to call the undersigned if there are any remaining issues to be discussed which could expedite the prosecution of the present application.

Respectfully submitted,

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